Contract not binding on the corporation unless executed as prescribed in section 70.

71. No contract not executed as in the last preceding section provided shall be binding on the corporation.

Tenders to be invited for contracts involving expenditure exceeding Rs. 3,000.

72. (*1*) Except as is hereinafter otherwise provided, the Commissioner shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees, give notice by advertisement in the local newspapers, inviting tenders for such contract.

(*2*) The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (*c*) of section 63, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous :

(*3*) Provided that the standing committee may authorize the Commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

73. The Commissioner shall require sufficient security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

CHAPTER IV.

Municipal Officers and Servants.

Executive Engineer and Executive Health Officer.

Appointment of executive engineer, executive health officer and hydraulic engineer.

74. (*1*) The corporation shall appoint fit persons to be municipal executive engineer, [1] * * * municipal executive health officer, [2][and municipal hydraulic engineer].

(*2*) Each of the said officers shall—

(*a*) be appointed for a renewable term of five years ;

(*b*) devote his whole time and attention to the duties of his office ;

[1] The word " and " was omitted by s. 2 (*a*) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[2] These words were added by *ibid.*

[1][(c) receive such monthly salary as the corporation shall, subject to the following limitations, from time to time determine, that is to say, the monthly salary of the municipal executive engineer shall not exceed rupees [2][two thousand] and shall not be less than rupees twelve hundred and the monthly salary of the municipal executive health officer shall not exceed rupees two thousand and shall not be less than rupees fifteen hundred, [3][provided that, with the previous sanction of the Governor in Council, the corporation may grant to the municipal executive health officer a personal allowance not exceeding rupees two hundred and fifty per mensem in addition to his maximum monthly salary]; [4][and the monthly salary of the municipal hydraulic engineer shall not exceed rupees eighteen hundred and shall not be less than rupees twelve hundred] ;]

(d) be removeable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office, on the votes of not less than two-thirds of the members present at a meeting of the corporation :

(3) Provided that—

(e) no person shall be appointed to be executive health officer who is not a legally qualified medical practitioner ;

[5][(ee) the executive health officer may accept for such period as may be sanctioned by the corporation any appointment, whether honorary or otherwise, which has for its object the promotion of public health, whether by means of education or otherwise, and which in the opinion of the corporation would not interfere with his duties as executive health officer ;]

(f) the corporation may, in their discretion, appoint a person probationally, for a limited period only, to [6][any] of the said offices, previous to appointing him for the full term of five years ;

(g) every appointment made under this section shall be subject to confirmation by the Governor in Council.

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[1] Clause (c) was substituted by s. 1 of the City of Bombay Municipal (Amendment) Act, 1900 (Bom. Act 2 of 1900,) Vol. IV of this Code.

[2] These words were substituted for the words "fifteen hundred" by the City of Bombay Municipal (Amendment) Act, 1903 (Bom. Act 5 of 1903), Vol. IV of this Code.

[3] These words were inserted by s. 3 (1) of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code, and have retrospective effect from the 1st day of February 1916, under sub-section (2) of the said section.

[4] These words were added by s. 2 (b) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[5] This clause was inserted by s. 3 (3) of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

[6] This word was substituted for the word "either" by s. 2 (c) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

Time within which vacancy in office of executive engineer or executive health officer or hydraulic engineer must be filled up.

75. (*1*) On the occurrence of a vacancy in the office of executive engineer or of executive health officer [1][or of hydraulic engineer] an appointment shall be made thereto by the corporation within four months from the date on which the vacancy occurred, or in the event of any appointment so made by them not being confirmed by Government, within thirty days from the date of the receipt by the corporation of the order of Government.

(*2*) In default of an appointment being made by the corporation as aforesaid, the Governor in Council may appoint a person to fill the vacancy, and such appointment shall for all purposes be deemed to have been made by the corporation.

(*3*) Pending the settlement of an appointment under sub-section (*1*) or (*2*) the corporation may appoint a person to fill the vacancy temporarily and may direct that the person so appointed shall receive such monthly salary not exceeding [2] [the maximum permissible under clause (*c*) of sub-section (*2*) of section 74, in respect of the officer in whose place such person is appointed] as it shall think fit. A person so appointed to be temporary executive health officer need not be a legally qualified medical practitioner.

Executive health officer to be the consulting officer of health under Bombay Act VI of 1867.

76. The executive health officer appointed under this Act shall be the consulting officer of health for the purposes of [3] Bombay Act VI of 1867 (*an Act for the better sanitary regulation of the City of Bombay*).

[4][*Officers of the Schools' Committee.*]

Corporation to appoint Secretary to the Schools' Committee and determine his salary.

[4][**76A.** (*1*) The corporation shall from time to time appoint a fit person to be secretary to the Schools' Committee and from time to time determine his salary.

(*2*) The Schools' Committee shall from time to time appoint such clerks and messengers as it may be authorized by the corporation to employ and from time to time determine their salaries.]

[4][*Appointments of medical officers in connection with measures of public medical relief.*]

Corporation to appoint qualified medical practitioners to the charge of hospitals maintained by the corporation.

[4][**76B.** The corporation shall from time to time appoint such legally qualified medical practitioners as may be necessary to the charge of any hospital maintained by the corporation in connection with measures of public medical relief carried out under clause (*gg*) of section 61 and determine their salaries.]

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[1] These words were inserted by s. 3 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[2] These words were substituted for the words "rupees fifteen hundred" by s. 1 of the City of Bombay Municipal Act Amendment Act, 1900 (Bom. Act 2 of 1900), Vol. IV of this Code.

[3] Vol. II of this Code.

[4] The headings and Ss. 76A and 76B were inserted by s. 13 (*1*) of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

Municipal Secretary.

Appointment of municipal secretary.

77. (*1*) The [1] [corporation] shall from time to time appoint a fit person to be municipal secretary.

(*2*) The municipal secretary shall be secretary of the corporation and also of the standing committee, and shall—

(*a*) perform such duties as he is directed by this Act to perform and such other duties in and with regard to the corporation and the standing committee as shall be required of him by those bodies respectively;

(*b*) have the custody of all papers and documents connected with the proceedings of—

(*i*) the corporation and any committee appointed by the corporation;

(*ii*) the standing committee and any sub-committee thereof;

(*c*) devote his whole time and attention to the duties of his office;

(*d*) receive a monthly salary of rupees seven hundred which, with the previous sanction of the corporation, may be increased to a sum not exceeding rupees one thousand, [2][and, after approved service of not less than seven years, to a sum not exceeding rupees twelve hundred];

(*e*) be removeable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office by the [3] * * * * * * * corporation.

Appointment of clerks and servants subordinate to the municipal secretary.

78. (*1*) The standing committee may from time to time—

(*a*) appoint such clerks and servants to be immediately subordinate to the municipal secretary as they think fit;

(*b*) determine the nature and amount of the salaries, fees and allowances to be paid to the said servants and clerks respectively;

(*c*) prescribe or delegate to the municipal secretary the power of prescribing the duties of the said clerks and servants.

Control, etc., of the said clerks and servants.

(*2*) The municipal secretary, subject to the orders of the standing committee, shall exercise supervision and control over the acts and proceedings of the said clerks and servants, and the standing committee, subject to the regulations at the time being in force under section 81, shall dispose of all

[1] This word was substituted for the words "Standing Committee" by s. 24 (*a*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[2] These words were added by s. 7 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[3] The words "standing committee, with the approval of the" were repealed by s. 24 (*b*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

questions relating to the service of the said clerks and servants and their pay, privileges and allowances.

Other Officers and Servants.

Schedule of other officers and servants to be prepared by the Commissioner and sanctioned by the standing committee.

79. (*1*) The Commissioner shall, [1] * * * * from time to time, prepare and bring before the standing committee a schedule setting forth the designations and grades of the other officers and servants who should, in his opinion, be maintained, and the amount and nature of the salaries, fees and allowances which, he proposes, should be paid to each.

(*2*) The standing committee shall sanction such schedule either as it stands or subject to such modifications as they deem expedient: Provided that no new office of which the aggregate emoluments exceed rupees two hundred per month shall be created without the sanction of the corporation.

Restriction of employment of permanent officers and servants.

80. No permanent officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under sections [2][39,] 74, [3][76A and 76B], 77 or 78, or his office and emoluments are included in the schedule at the time in force prepared and sanctioned under the last preceding section.

Power of appointment in whom to vest.

[4][**80A.** (*1*) The power of appointing municipal officers, whether temporary or permanent whose minimum monthly salary exclusive of allowances is or exceeds Rs. 500, shall vest in the corporation:

Provided that temporary appointments for loan works for a period of not more than six months may be made by the commissioner without the sanction of the corporation; the Commissioner shall forthwith report every such appointment when made to the corporation.

(*2*) Save as otherwise provided in this Act, the power of appointing municipal officers and servants shall, subject to the schedule at the time being in force, prepared and sactioned under section 79, vest in the Commissioner.]

Leave of Absence, Acting Appointments, etc.

Standing committee to frame regulations for grant of leave, etc.

81. (*1*) The standing committee shall from time to time frame regulations in consonance with any resolution that may be passed by the corporation—

(*a*) fixing the amount and the nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security;

(*b*) regulating the grant of leave to municipal officers and servants;

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[1] The words "as soon as may be after this Act comes into force and afterwards" were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

[2] These figures were inserted by s. 25 of the City of Bombay Municipal (Amendment Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[3] These figures and word were inserted by s. 13(*2*) of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

[4] This section was inserted by s. 25 of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

(*c*) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

(*d*) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave;

(*e*) regulating the period of service of all the said officers and servants;

(*f*) [1] determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances, and under which the widows, or other relations dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances, and the amounts of such pensions, gratuities or compassionate allowances;

(*g*) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the standing committee, be established by the said officers and servants [2] [or to such provident fund, if any, as may be established by the corporation for the benefit of the said officers and servants.]

(*2*) No regulation made by the standing committee under this section shall have force or validity, unless and until it has been confirmed by the corporation, nor, if it is made under clause (*f*), unless and until it has been confirmed by Government.

Such regulations to be subject to confirmation by the corporation, and, if made under clause (*f*), by Government.

82. [*Power of appointment in whom to vest.*]. *Repealed by s. 28 of Bom. Act 6 of 1922.* [3]

83. (*1*) Every municipal officer and servant may be fined, reduced, suspended or dismissed for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed:

Power of suspending, punishing and dismissing in whom to vest.

(*2*) Provided that—

(*a*) no officer whose monthly emoluments exceed rupees three hundred shall be dismissed by the Commissioner, without the approval of the standing committee;

[1] For pension regulations issued under s. 81 (*f*), *see* Bombay Local Rules and Orders.

[2] These words were added by s. 27 (*1*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code. This amendment is to take effect from such date whether before or after the passing of Bom. Act 6 of 1922 as may be fixed by the Corporation in this behalf, *see* s. 27 (*2*), *ibid.*

[3] This repeal is to take effect from such date whether before or after the passing of Bom. Act 6 of 1922 as may be fixed by the Corporation in this behalf, *see* s. 27 (*2*) of Bom. Act 6 of 1922, Vol. V of this Code.

(*b*) any officer appointed by the corporation [1] [under sections 55, 74, 75, 76A, 76B or 77] may be suspended by the standing committee pending an order of the corporation, such suspension and the reason therefor being forthwith reported to the corporation ;

[2][(*c*) any officer appointed by the corporation otherwise than under sections 55, 74, 75, 76A, 76B or 77 may be fined, reduced, or suspended, or with the approval of the standing committee, dismissed, for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct by the Commissioner.]

Leave of absence by whom to be granted.

84. (*1*) Leave of absence may be granted by the Commissioner, subject to the regulations at the time being in force under section 81, to any municipal officer or servant, the power of appointing whom is vested in him ; and for a period not exceeding one month, to any other municipal officer, other than an officer immediately subordinate to the municipal secretary [3] [and other than an officer or servant the power of appointing whom is vested in the schools' committee].

(*2*) Leave of absence may be granted, subject as aforesaid, by the standing committee—

(*a*) to any clerk or servant appointed under section 78 ;

(*b*) for a period exceeding one month, to any other municipal officer, the power of appointing whom is not vested in the Commissioner [3] [or in the schools' committee].

[4] [(*3*) Leave of absence may be granted subject as aforesaid, by the schools' committee to any municipal officer or servant the power of appointing whom is vested in the said committee.]

Acting appointments.

85. (*1*) The appointment of a person to act in the place of an officer absent on leave may be made, when necessary, and subject to the regulations aforesaid, by the same authority who grants the leave of absence :

(*2*) Provided that—

(*a*) when the executive engineer or the executive health officer [5] [or the hydraulic engineer] is granted leave of absence for a period exceeding one month, the appointment of a person to act for him shall be made by the corporation ;

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[1] These words, figures and letters were inserted by s. 29 (*a*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[2] This clause was inserted by s. 29 (*b*) *ibid.*

[3] These words were inserted by s. 4 of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act. 6 of 1916), Vol. V of this Code.

[4] This sub-section was added by *ibid.*

[5] These words were inserted by s. 4 (*a*) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

(*b*) any appointment of a person to act as executive engineer or as executive health officer [1][or as hydraulic engineer] may be disallowed by the Governor in Council, and from the time of being so disallowed shall be null and void ;

(*c*) no person shall be appointed to act for the executive health officer for a period exceeding three months, unless such person is a legally qualified medical practitioner, but a person appointed to act for the said officer for a period not exceeding three months need not be a legally qualified medical practitioner.

(*3*) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers and be subject to the same liabilities, restrictions and conditions which the permanent incumbent of the office or place is bound to perform or may exercise or to which the said incumbent is liable.

Disqualifications of Municipal Officers and Servants.

Municipal officer or servant not to be interested in any contract, etc., with the corporation.

86. (*1*) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by, or on behalf of the corporation, or in any employment with, by, or on behalf of the corporation, other than as a municipal officer or servant, shall be disqualified for being a municipal officer or servant.

(*2*) Any municipal officer or servant who shall acquire, directly or indirectly by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

(*3*) Nothing in this section shall apply to any such share or interest in any contract or employment with, by, or on behalf of the corporation as under clauses (*h*) and (*k*) of section 16, it is permissible for a councillor to have, without his being thereby disqualified for being a councillor.

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES.

Acquisition of Property.

Powers of corporation as to acquisition of property.

87. The corporation shall, for the purpose of this Act, have power to acquire and hold moveable and immoveable property, whether within or without the limits of the city.

Transfer to the corporation of the property of the municipal corporation.

88. All such immoveable and other property as is held by, or in trust for, or has been granted by Government to the corporation under, or in pursuance or for the purposes of any Act hereby repealed, shall, upon and after the date when this Act comes into force, vest in the corporation in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same.

[1] These words were inserted by s. 4 (*b*) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.